

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION

MALIBU MEDIA, LLC,

Plaintiff,

v.

JOHN DOE,

Defendant.

Case No. 1:14-cv-0939-LMB-JFA

Assigned to: Hon. Leonie M. Brinkema  
United States District Judge

Referred to: Hon. John F. Anderson  
United States Magistrate Judge

**CONSENT ORDER GRANTING LEAVE TO PROCEED ANONYMOUSLY  
AND TO SEAL FIRST AMENDED COMPLAINT AND SUMMONS**

The Internet user who pays the bill for the account associated with IP address 173.72.163.229 ("Movant"), who plaintiff Malibu Media accuses of being the John Doe defendant in this action, by and through counsel, moved the court for leave to proceed anonymously, and to seal the un-redacted First Amended Complaint (ECF No. 10) and Summons (ECF No. 11) filed in this action, and to redact related text entries on the public ECF docket.

As indicated by the signature below, Plaintiff Malibu Media, LLC has consented to the relief being requested (although it does not necessarily join in all of Movant's arguments).

In view of the parties' consent to the requested relief, and having reviewed the facts and legal arguments made in Movant's motion, the Court, for good cause shown, hereby **GRANTS** the motion, as follows:

1. Given the explicit adult movie content at issue in this case, and plaintiff's non-opposition, the Court finds persuasive Movant's argument that the allegations being leveled in this case are materially embarrassing and that they go to an issue of an sensitive and personal nature, in

that they are related to Movant's sexual preferences. Whatever minimal interest the public might have in knowing the true identity of John Doe (who has not yet been adjudicated to have actually committed the alleged illegal downloads) is outweighed by Does' interest in remaining anonymous at this stage of proceedings.

2. Numerous other courts, including the District of Maryland as a blanket rule, have granted similar relief to that which is requested here in other Malibu Media cases. *See, e.g., Malibu Media, LLC v. John Doe*, D. Md. No. 13-cv-360, ECF No. 31, 7/13/13 at p. 5 (ordering, *inter alia*, that "Any amended complaint filed by Malibu naming an individual defendant shall be filed so that the name and any specifically-identifying information are redacted from the publically-available court docket, with an unredacted copy filed under seal."); *Malibu Media, LLC v. John Doe*, N.D. Ill. No. 1:13-cv-2702, ECF No. 30, 9/26/13 (granting nearly identical motion to this one, sealing un-redacted amended complaint and summons, and allowing suit to proceed anonymously); *Malibu Media, LLC v. John Doe*, E.D. Mi. No. 13-cv-11432, ECF No. 16, 9/26/13 (order granting nearly identical motion to this one, allowing suit to proceed anonymously); *Malibu Media, LLC v. John Doe*, D. Colo. No. 13-cv-2382, ECF No. 16, 10/15/13 (same); *Malibu Media, LLC v. Reynolds, et al.*, N.D. Ill. No. 1:12-cv-6672, ECF No. 51 (order granting leave to proceed anonymously); *Malibu Media, LLC v. John Does 1-37*, N.D. Ill., No. 1:12-cv-06674, ECF No. 33 (same).

3. Pending further order of this Court, the parties shall refrain from publicly identifying Movant on the Court's public docket, and shall instead continue to refer to Movant in public documents by the pseudonym "John Doe." Upon appropriate motion, the Court may revisit this order at the conclusion of discovery and dispositive motions, if there has been a finding made that Movant was actually the person who allegedly downloaded Malibu's adult movies.

4. The Clerk of Court is directed to seal docket entries ECF Nos. 10 and 11 and to redact the corresponding text entries, as well as the case caption information, to delete all public references to Movant's true name.

5. Malibu is directed to re-file on the public docket a redacted first amended complaint that redacts Movant's true name.

**IT IS SO ORDERED.**

*/s/ [Signature]*  
Leonie M. Brinkema  
United States District Judge

Entered On: November 17, 2014 By:

WE CONSENT TO THE RELIEF REQUESTED:

**FOR PLAINTIFF MALIBU MEDIA, LLC**

*[Signature]*  
\_\_\_\_\_  
11/10/14  
(date)

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**FOR DEFENDANT JOHN DOE**

*[Signature]*  
\_\_\_\_\_  
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(date)

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